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|                                   |   |          |
|-----------------------------------|---|----------|
| In re Application of              | : |          |
| DIMITROVA et al.                  | : | DECISION |
| Application No.: 10/587,799       | : |          |
| PCT No.: PCT/IB2005/050399        | : |          |
| Int. Filing Date: 31 January 2005 | : |          |
| Priority Date: 02 February 2004   | : |          |
| Attorney's Docket No.: US040102   | : |          |
| For: CONTINUOUS FACE RECOGNITION  | : |          |
| WITH ONLINE LEARNING              | : |          |

This decision is in response to applicants' submission filed 26 January 2009, which has properly been treated as a petition under 37 CFR 1.182.

**BACKGROUND**

On 31 January 2005, applicants filed international application PCT/IB2005/050399 which designated the U.S. and claimed a priority date of 02 February 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 11 August 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 02 August 2006.

On 31 July 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and two declarations of inventors

On 26 June 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that the declarations of the inventors filed 31 July 2006 were not in compliance with 37 CFR 1.497(a)-(b) because the second inventor's name was different on the declaration than it was on the international application.

On 09 July 2008, applicants filed a submission which was properly treated as a petition under 37 CFR 1.182.

On 01 October 2008, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.182. Specifically, it was noted that the difference in names was more than a mere typographical error, a transliteration error, or a phonetic misspelling of applicant's legal name, and that a proper petition under 37 CFR 1.182 as well as a statement from the inventor was required in order to resolve the matter. The decision also noted that the declaration of inventors filed 09 July 2008 executed an incorrect application.

On 26 January 2009, applicants filed the instant submission which was accompanied by, *inter alia*, a new declaration of inventors.

### **DISCUSSION**

The submission filed 26 January 2009 concerning the name of Jun FAN adequately explains that the inventor's correct name is Jun FAN and that the name listed in the international application is inaccurate. This explanation of the difference in names between the international application and the declaration of inventors is accepted and noted for the record. A statement from the inventor is not required.

Accordingly, the declaration filed 26 January 2009 is in compliance with 37 CFR 1.497(a)-(b).

### **CONCLUSION**

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

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